

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
)
Plaintiff,) 4:09CR3066
)
vs.) ORDER
)
LUIS HUMBERTO AVENDANO,)
)
Defendant.)

This matter is before the court, *sua sponte*, regarding a change of the place of trial in this matter to Omaha, Nebraska, discussed during a hearing with the undersigned magistrate judge on June 3, 2009. At the time of the filing of the Indictment in this matter, the government requested that Lincoln be designated as the place of trial (Filing No. 1). Accordingly, this matter was placed on the Lincoln docket. The cover sheet indicated the Indictment was related to another file, i.e., U.S. v. Avendano, 8:02CR290 (LSC/TDT). Accordingly, 4:09CR3066 was assigned to Judge Smith Camp and Magistrate Judge Thalken. There is pending in 8:02CR290 an Amended Petition for Warrant or Summons for Offender Under Supervision based upon the Indictment in 4:09CR3066.

On June 3, 2009, Avendano was arraigned on the Indictment in 4:09CR3066 and entered a not guilty plea to all counts. During that same hearing, Avendano waived a preliminary examination of the Amended Petition in 8:02CR290 and was scheduled for a dispositional hearing before Judge Smith Camp. Upon inquiry as to why 4:09CR3066 was calendared in Lincoln rather than Omaha, the parties conceded the Indictment should be tried in Omaha. Accordingly,

IT IS ORDERED:

Trial of the Indictment in the above-captioned case shall take place in Omaha, Nebraska.

DATED this 4th day of June, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge